

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREA GORDON

Plaintiff(s),

v.

THE BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT, and  
DOES 1-15, inclusive,

Defendant(s).

No. C08-3630 (BZ)

**ORDER DENYING PLAINTIFF'S  
MOTION TO TAX COSTS**

After reviewing plaintiff's Motion to Tax Costs and defendant's opposition, the Court finds no need for argument and vacates the hearing scheduled for November 17, 2010. **IT IS ORDERED** as follows:

1) Plaintiff's objection to taxing the cost of a rough draft deposition transcript is **DENIED**. Under 28 U.S.C. 1920(2), transcript costs are allowed if the transcript was "necessarily obtained for use in the case." Federal Practice & Procedure ("FPP") § 2677. Taxing the cost of a rough draft transcript is not prohibited by Civil L.R. 54-3(c)(1). I am satisfied that given the nearness to trial, the rough draft

1 deposition transcript was necessarily obtained for use in this  
2 case.

3 2) Plaintiff's objection to taxing the cost of the  
4 summary judgment hearing transcript is **DENIED**. Although Civil  
5 L.R. 54-3(b)(3) states that costs for reporter transcripts are  
6 "not normally allowable" unless approved by the court or  
7 stipulated to before incurred, discretion still exists with  
8 the court to tax transcripts if equitable considerations  
9 apply. FPP § 2677. The cost of a transcript should be taxed  
10 if the transcript was "necessarily obtained for use in the  
11 case." Id. Once again,

12 I am satisfied that this transcript was necessarily obtained  
13 for use in this case, given the request for further briefing.

14 3) Plaintiff's objection to the cost of multimedia  
15 duplication is **DENIED**. Under Civil L.R. 54-3(d)(2), the  
16 taxing of costs for the reproduction of disclosure and formal  
17 discovery documents is allowable when used for any purpose in  
18 the case. I am satisfied that costs for electronic  
19 duplication of the deposition transcript were incurred for its  
20 use in this case.

21 4) Plaintiff's objection to the taxing of "handling and  
22 holding" costs, as shown in the invoice for deposition  
23 transcripts, is **DENIED**. Civil L.R. 54-3(c)(1) specifically  
24 allows the taxing of costs for "an original and one copy of  
25 any deposition. The "handling and holding" costs, as shown,  
26 are part of the cumulative costs associated with procuring the  
27 deposition transcript.

28 5) Plaintiff's objection to the taxing of defendant's

1 costs for photocopies is **DENIED**. Costs relating to the  
2 reproduction of discovery documents and trial exhibits are  
3 specifically allowed under Civil L.R. 54-3(d). Furthermore,  
4 the cost of bates-stamping photocopied documents, as an add-on  
5 service, is considered part of an approved reproduction  
6 expense. Competitive Techs. v. Fujitsu Ltd. 2006 WL 6338914  
7 at \*8 (N.D. Cal. 2006).

8 Dated: November 2, 2010

9 

10 Bernard Zimmerman  
11 United States Magistrate Judge  
12  
13  
14

15 G:\BZALL\BZCASES\GORDON\ORDER DENYING MOTION TO TAX COSTS. BZ FINAL VERSION.wpd  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28